

I, Nanette Seto, declare as follows:

1. I am the Chief of the Migratory Birds and Habitat Program for the U.S. Fish and Wildlife Service, Pacific Region. In my capacity as Chief, I oversee a staff of thirteen, and I have responsibility for the day-to-day management of the Regional Migratory Birds and Habitat Program, which oversees migratory bird management activities including monitoring, assessment, regulatory actions (permit issuance), technical assistance, and outreach. I have held this position since 2012.

2. I am familiar with U.S. Army Corps of Engineers' migratory bird depredation permit application, as well as the Record of Decision prepared by my office regarding the Corps' Depredation Permit Associated with Double-Crested Cormorant Management Plan to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary, and the depredation permit issued by my office to the Corps on April 13, 2015. I am also familiar with the lawsuit filed by the Audubon Society and others on April 20, 2015. My responsibilities include overseeing the assembly of a complete administrative record for the U.S. Fish and Wildlife Service in response to this lawsuit.

3. On March 16, 2015, I received an email from Howard Schaller, Project Leader for the U.S. Fish and Wildlife Service's Columbia River Fisheries Program Office. That email provided an opportunity for our office to provide feedback on an undated draft analysis by Steve Haeseker relating to whether "predation by double-crested cormorants is an additive versus a compensatory source of mortality for Snake River steelhead."

4. In response to Mr. Schaller's email, on March 20, 2015, I replied to Roy Elicker, Assistant Regional Director for Fisheries, as follows:

Roy,

Your staff at the Columbia River Fisheries Program Office shared the attached draft paper with me. I would like to thank Howard for providing me this draft analysis and keeping me informed. While not directly relevant to the Migratory Bird Program's review of a depredation application we anticipate receiving from the Corps soon, I recognize this draft contains a preliminary analysis that is more directly related to NMFS's FCRPS biological opinion. Our program's analysis of a depredation permit application will be focused on whether the proposed action

of culling cormorants will assist in reducing cormorant predation on salmonid smolts.

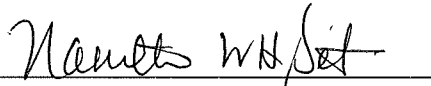
Thank you,

Nanette

5. We determined that the draft report is beyond the scope of the analysis that would be needed for our review of the depredation permit application. The Corps' permit application identified the resources damaged as Federally-protected juvenile salmonid species, and the damage as predation on protected fish species from Double-Crested Cormorants on East Sand Island. Our analysis focused on whether the proposed cormorant program would reduce cormorant predation on salmonid smolts and improve juvenile steelhead survival, the purpose identified in the Corps' application. The draft analysis received from Mr. Schaller was focused on whether cormorant predation was an additive or compensatory source of mortality as it relates to salmonid population productivity and adult abundance. Accordingly, the March 16, 2015 email from Mr. Schaller and the associated draft analysis were not relevant to our review of the Corps' depredation permit application, were not directly or indirectly considered by agency decision-makers, and are not part of the administrative record for the depredation permit.

6. The U.S. Fish and Wildlife Service is prepared to include relevant documents that were directly or indirectly considered by the agency decision-maker for the court's consideration as exhibits to the United States' brief in opposition to the Plaintiffs' Motion for a Preliminary Injunction. The U.S. Fish and Wildlife Service anticipates that the administrative record can be lodged within 90 days.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 1st day of May, 2015 at Portland, Oregon.



NANETTE SETO
Chief, Migratory Birds and Habitat Programs